

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>  <b>DONALD R. BURNS AND CHERYL A. BURNS</b> <div style="text-align: center;">Debtors </div>	§ § § § §	<b>09-31683-H3-7</b>  <b>(Chapter 7)</b>
<b>DEBORAH DOWNING</b> <div style="text-align: center;">Movant </div>	§ § § § §	<b>Date of Hearing: July 1, 2009</b> <b>Time of Hearing: 10:00 AM</b>  <b>Location: Courtroom #401, 4<sup>th</sup> Floor</b>
<b>vs.</b>  <b>DONALD R. BURNS AND CHERYL A. BURNS</b> <div style="text-align: center;">Respondents </div>	§ § § § §	<b>Attorney: Craig H. Cavalier</b>

**DEBORAH DOWNING’S REPLY TO ANSWER OF DONALD R. BURNS  
AND CHERYL A. BURNS TO DEBORAH DOWNING’S  
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

COMES NOW, through the undersigned counsel, Deborah Downing (“Downing” or “Movant”) and files this, her *Reply to Answer of Donald R. Burns and Cheryl A. Burns to Deborah Downing’s Motion for Relief from the Automatic Stay* and in support thereof would show the Court as follows:

1. On or about June 4, 2009, Downing filed her *Motion for Relief from the Automatic Stay* which was set for hearing on July 1, 2009 pursuant to Judge Leticia Paul’s motion for relief from stay hearing schedule.
2. On or about June 25, 2009 (less than three business days before their counsel’s scheduled vacation) Donald and Cheryl Burns (“Burns”) filed their *Answer to Motion for Relief from Stay Filed by Creditor Deborah Downing and Request for Continuance* which incorporated a request for continuance of the hearing until July 29, 2009 due to the vacation schedule of

Burns' counsel.

3. Notwithstanding the requirement for a hearing on a Motion for Relief from Stay within thirty (30) days of filing the motion, Downing is opposed to the continuance to July 29, 2009 since Downing's counsel will be on vacation the week of July 27-31, 2009.

**WHEREFORE**, Downing respectfully prays that the Court deny Burns' request for continuance; retain the current hearing setting or reset the hearing for a time within thirty (30) days of the filing of the motion; and grant such other and further relief as is just and equitable.

Respectfully Submitted,

**CRAIG H. CAVALIER, ATTORNEY AT LAW**

By: /s/ Craig H. Cavalier  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion was served on the following parties (as well as all other parties receiving notice via the ECF system) by U.S. First Class Mail, postage prepaid, electronic notification and/or facsimile on June 25, 2009:

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/s/ Craig H. Cavalier  
**CRAIG H. CAVALIER**